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# ACTS OF THE PARLIAMENTS

OF  
*Scotland and Great-Britain,*

Concerning the  
**Election of Members of Parliament.**

*ACT concerning the Election of the Commissioners for  
Shires, Sept. 17<sup>th</sup>. 1681.*

**OUR SOVEREIGN LORD** Considering the great Delay in Dispatch of Public Affairs in Parliament and Convention of Estates, occasioned by the Contraverted Elections of Commissioners for Shires: for preventing whereof, and for clearing the orderly Way of Elections of the saids Commissioners in Time coming. **THEREFORE** His Majesty, with Advice and Consent of His Estates of Parliament, **STATUTES AND ORDAINS**, That none shall Vote in the Election of Commissioners for Shires, or Stewartries which have been in Use to be Represented in Parliament and Conventions, but those who at that Time shall be Publicly Infeft in Property, or Superiority, and in Possession of a Forty Shilling Land of old Extent holden of the King or Prince, distinct from the Feu-Duties in Feu-Lands; or where the said old Extent appears not, shall be Infeft in Lands liable in Public Burden for His Majesty's Supplies for Four Hundred Pounds of Valued Rent, whether Kirk-Lands, now holden of the King, or other Lands holding Feu, Ward, or Blench of His Majesty, as King or Prince of *Scotland*; and, That Approvers or Adjudgers shall have no Vote in the said Elections during the Legal Absence, and that the said Commissioners



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the Appriser or Adjudger first infeft shall only have Vote, and no other Appriser or Adjudger coming *in pari passu*, till their Shares be divided, that the Extent or Valuation thereof may appear; and, That during the Legal, the Heritor having Right to the Reversion, shall have Vote: And likewise, proper Wadsetters having Lands of the Holding, Extent, or Valuation foresaid; which Rights to Vote, proceeding upon expired Comprising, Adjudication or proper Wadset, shall not be questionable, upon Pretence of any Order of Redemption, Payment, and Satisfaction, unless a Decreet of Declarator, or voluntar Redemption, Renunciation, or Resignation, be produced; and, That appearand Heirs being in Possession, by Vertue of their Predecessor's Infeftment of the Holding, Extent, and Valuation foresaid: And Likewise, Liferenters, and Husbands for the Free-holds of their Wives, or having Right to a Liferent by the Courtesy of the saids Liferenters, claim their Vote, otherwise the Fiar shall have Vote; but that both Fiar and Liferenter shall not have Vote, unless they have distinct Lands of the Holding, Extent or Valuation foresaid; but that no Person infeft for Relief, or Payment of Sums, shall have Vote, but the Granters of the saids Rights, their Heirs or Successors. LIKEAS, His Majesty ORDAINS the whole Freeholders of each Shire and Stewartry, having Election of Commissioners, to meet and convene at the Head Burghs thereof, and to make up a Roll of all the Freeholders within the same, whether lying within Stewartries, not having Commissioners, or Bailiaries of Royalty or Regality, or without the same, upon the First *Tuesday* of *May* next to come, according as the same shall be Instructed to be of the Holding, Extent, or Valuation foresaid, containing the Names and Designations of the Fiar, Liferenters, and Husbands having Right to Vote for the same, in Manner above-written; and expressing the Extent or Valuations of the saids Freeholders, with Power to Continue or Adjourn their Meetings, until the said Roll for Elections be fully complete. LIKEAS the saids Freeholders shall Meet and Convene at the Head Burghs of the said Shires and Stewartries *respectively* at the *Michaelmas* Head Court yearly thereafter; and shall Revise the said Roll for Election, and make such Alterations therein, as have Occurred since their last Meeting from Time to Time: Which Roll for Election shall be insert in the Sheriff, or Stewart Books, particularly appointed for that End, according as they shall be stated each *Michaelmas* Court; And at the Election of Commissioners, either at the *Michaelmas* Court, or at the Calling of Parliament or Conventions. The saids Freeholders shall meet and convene at the Head Burgh of the Shire, or Stewartry in that Room where the Sheriff or Stewart-Court useth to be held, betwixt Mid-day and Two Afternoon; which Room shall be patent to them, and all others removed but whom they call; and the First or Second Commissioner last Elected, or in their Absence the Sheriff or Stewart Clerk shall ask the Votes, Who shall Precede? And, Who shall be Clerk to the Meeting? And in case any Alteration have happened in the said Roll of Elections since the last Meeting, the Persons then coming to have Right to Vote, shall be insert in the Roll, and there shall no Objection be admitted against any insert in the said Roll as said is, but what shall be Propounded before they begin to Vote to Election. And if the Objecters shall not be cleared, and acquiesce, they shall take Instruments containing their Objections against the Admitting to, or Excluding any Person from the foresaid Roll. AND it is hereby Declared, That no other Objection shall be competent in Parliament or Convention, but what shall be contained in the Instruments taken as aforesaid: And in case Objections be made when a Parliament or Convention is not called, a particular Diet shall be appointed by the Meeting, and intimate to the Parties controverting, to Attend the Lords of Session for their Determination, who shall determine the same at the said Diet summarily, according to Law, upon Supplication, without farther Citation. AND it is hereby declared, That Horning for a Civil Cause or Non-residence shall be no sufficient Objection; but that the Minority being instantly verified, shall be a sufficient Objection: Or the not taking the *Test*, appointed by the Sixth Act of this present Parliament, which is hereby ordered to be subscribed by all the Voters in Presence of the Meeting, before they proceed to the Election, and Recorded in the Sheriff-Court Books, and so Returned with the Commission to the Clerk of Register. And if the Persons objected



Objected against shall Appear at the Parliament or Convention, and instruct the Right to Vote, the Objecter shall pay their Expences, and be farther Fined in Five Hundred Merks: And if the Objection be sustained in Parliament, the Objecters appearing shall have their Expences, and the Party objected against shall be Fined in Five Hundred Merks. AND to the Effect that sufficient Advertisement may be given to all Parties having Vote in Election, who are to Elect at the Calling of a Parliament or Convention, the Sheriffs and Stewards are hereby ordained to make Publication of the Call and Diet of the said Parliament and Convention, and of the Diet appointed for Election, and that at the Head Burgh of the Shire or Stewartry, upon a Mercat Day, betwixt Ten and Twelve in the Forenoon; and also shall make the like Intimation at each Paroch Kirk, on *Sunday* immediately thereafter; which Diets for Election shall, at least, be Twelve Days before the Meeting of Parliament, or Eight Days before the Meeting of a Convention, that the Commissioners Elected may have Sufficiency of Time to keep the Diet of the Parliament or Convention. LIKEAS, His Majesty, with Consent foresaid, STATUTES and ORDAINS the whole Heritors, Life-renters, and Wadsetters, within each Shire and Stewartry, to Contribute for the Charges of the Commissioners thereof, according to their Valuation, except only those who Hold of Noblemen or Bishops, or Lands belonging to Burrows Royal in Burgage: And also to the Expences of the Foot-Mantles.

*An ACT for the Better Regulating the Elections of  
Members to serve in Parliament, for that Part of  
Great-Britain called Scotland.*

**W**HEREAS of late, several Conveyances of Estates have been made, in Trust, or Redeemable for Elusory Sums, noways adequate to the True Value of the Lands, on Purpose to Create and Multiply Votes in Elections of Members, to Serve in Parliament, for that Part of *Great-Britain* called *Scotland*, contrary to the True Intent and Meaning of the Laws in that Behalf. Be it therefore Enacted by the Queen's Most Excellent Majesty, by, and with the Advice and Consent of, the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the Determination of this present Parliament, no Conveyance or Right whatsoever, whereupon Infestment is not taken, and Sasine Registrate One Year before the Test of the Writs for Calling a New Parliament, shall, upon Objection made in that Behalf, entitle the Person or Persons so Infest, to Vote, or to be Elected at that Election, in any Shire or Stewartry in that Part of *Great-Britain* called *Scotland*: And in case any Election happen during the Continuance of a Parliament, no Conveyance or Right whatsoever, whereupon Infestment is not taken One Year before the Date of the Warrant, for making out a new Writ for such Election, shall, upon Objection made in that Behalf, entitle the Person or Persons so Infest, to Vote or to be Elected at that Election: And that from and after the said Day, it shall and may be lawful to, or for any of, the Electors present, suspecting any Person or Persons, to have his or their Estates in Trust, and for the Behoof of another, to require the Preses of the Meeting to tender the following

Oath



Oath to any Elector, and the said Preses is hereby impowered and required to Administer the same in the Words following, *viz.*

**I** A. B. do, in the Presence of GOD, Declare and Swear, That the Lands and Estate of *for which I claim to give my Vote in this Election, are not conveyed to me in Trust, or for the Beboof of any other Person whatsoever. And I do Swear before GOD, That neither I, nor any Person, to my Knowledge, in my Name or by my Allowance, hath given, or intends to give, any Promise, Obligation, Bond, Backbond, or other Security, for Re-disponing or Re-conveying the said Lands and Estate any Manner of Way whatsoever. And this is the Truth, as I shall Answer to GOD.*

AND in case such Elector refuse to Swear, and also to Subscribe the said Oath, such Person or Persons, shall not be capable of Voting, or being Elected at such Election; Provided always, That notwithstanding such Oath taken, it shall be lawful to make such other Objections, as are allowed by the Laws of *Scotland*, against such Electors: And be it further Enacted and Declared by the Authority aforesaid, That no Infestment taken upon any redeemable Right whatsoever, (except proper Wodsets, Adjudications or Apprisings, allowed by the Act of Parliament relating to Election, in One Thousand Six Hundred Eighty One) shall entitle the Person so infest, to Vote or be Elected at any Election, in any Shire or Stewartry; And that no Person or Persons, who have not been Enrolled and Voted at former Elections, shall, upon any Pretence whatsoever, be Enrolled or Admitted to Vote at any Election, except he or they first produce a sufficient Right or Title to Qualify him or them to Vote at that Election, to the Satisfaction of the Freeholders formerly Enrolled, or the Majority of them present. And the Returning Officers are hereby Ordain'd to make their Returns of the Persons Elected by the Majority of the Freeholders Enrolled, and those admitted by them, Reserving always the Liberty of Objecting against the Persons Admitted to, or Excluded from the Roll as formerly. And be it further Enacted by the Authority aforesaid, That all Sheriffs of Shires, and Stewarts of Stewarties, shall be Oblig'd, under the Pain of Fifty Pound *Sterling*, One Moiety whereof shall be to the Queen's Most Excellent Majesty, Her Heirs and Successors, and the other Moiety to the Person or Persons who shall Sue for the same, to be Recovered before the Court of Session, by any Action summarily, without abiding the Course of the Roll, to make the Public Intimations requir'd by the Laws of *Scotland*, at the several Parish-Churches within their Respective Jurisdictions, at the least Three Days before the Diet of Elections; Provided always, That the Right of Apparent Heirs in Voting at Elections, by Virtue of their Predecessors Infestments, and the Right of Husbands by Virtue of their Wives Infestments, be, and is hereby Reserv'd to them as formerly, any Thing in this Act contain'd to the contrary, notwithstanding; Provided also, That any Conveyance or Right, which by the Laws of *Scotland*, is sufficient to Qualify any Person to Vote in the Elections of Members to Serve in Parliament for Shires or Stewarties, and whereupon Infestment is taken, on or before the First Day of *June*, in the Year of our Lord, One Thousand Seven Hundred and Thirteen, shall Entitle the Person or Persons so Infest, to Vote at the Elections of Members to Serve in the next ensuing Parliament, any Thing herein contained to the contrary notwithstanding; Provided always, and it is hereby Declared to be the true Intent and Meaning of this Act, That no Husbands shall Vote at any ensuing Elections, by Virtue of their Wives Infestments, who are not Heiresses, or have not Right to the Property of the Lands, on Account whereof such Vote shall be Claimed.

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